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KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

In re Application of WHEELER et al.
Application No.: 10/591,003
PCT No.: PCT/GB05/00430
Int. Filing: 08 February 2005
Priority Date: 27 February 2004
Attorney Docket No.: 348-058
For: CLEANING A PLURALITY OF
LINES

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 07 November 2007, to accept the application without the signature of joint inventor, Matthew Molloy.

BACKGROUND

On 28 August 2006, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 27 April 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 24 July 2007, applicant filed the instant petition along with a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Matthew Molloy alleging that Mr. Molloy refuses to sign the application.

On 07 September 2007, a decision dismissing the petition was mailed indicating that the declaration executed by inventor Anthony Molloy had been altered and was unacceptable.

On 07 November 2007, applicant filed a renewed petition arguing that the declaration was not altered, amended or changed by the mere addition of a second mailing address.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-

signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Item (1), (2) and (3).

With regard to item (4), a newly executed declaration by the available joint inventor on his behalf and on behalf of the non-signing inventor was submitted. The new declaration is in compliance with 37 CFR 1.497(a) and (b) and executed by Anthony Molloy, was provided. Thus, Item (4) has now been satisfied.

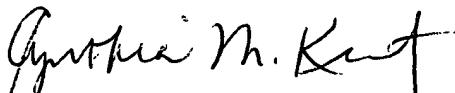
In sum, Petitioner has satisfied Items (1)- (4) above. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 07 November 2007. The application has an international filing date of 08 February 2005 under 35 U.S.C. 363, and a date of 07 November 2007 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459